



Oregon

Theodore R. Kulongoski, Governor

Public Utility Commission

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April 30, 2009

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A306
Washington, DC 20554

Karen Majcher
Vice President, High Cost & Low Income
Universal Service Administrative Company
2000 L Street, NW, Suite 200
Washington, DC 20036

Re: CC Docket 96-45 – Relinquishment of ETC Designation of RCC Minnesota, Inc.

Dear Ms. Dortch and Ms. Majcher:

This letter is to inform you that on April 28, 2009, the Public Utility Commission of Oregon issued Order No. 09-153 acknowledging the relinquishment of the Eligible Telecommunications Carrier (ETC) designation of RCC Minnesota, Inc. (RCC) in Oregon, effective July 1, 2009.

On April 15, 2009, RCC filed a motion asking the Oregon Commission to acknowledge relinquishment of its federal ETC designation, as well as its Eligible Telecommunications Provider (ETP) designation to participate in the Oregon Telephone Assistance Program (OTAP). On April 24, Commission Staff filed a response supporting RCC's motion. As discussed in the order, the Commission has determined that RCC's relinquishment of its federal ETC designation in Oregon meets the requirements of 47 C.F.R. §54.205. A copy of Order No. 09-153 is attached for your information.

Should you have any questions on this matter, please contact Kay Marinos of the PUC Staff at (503) 378-6730 or e-mail her at kay.marinos@state.or.us.

Bryan Conway
Administrator, Telecommunications Division
Public Utility Commission of Oregon

Attachment



ORDER NO. 09-153

ENTERED 4/28/09

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1083 and UM 1166

In the Matter of

RCC MINNESOTA, INC

Notice of Relinquishment of its Eligible
Telecommunications Carrier and Eligible
Telecommunications Provider Status

ORDER

DISPOSITION: NOTICE OF RELINQUISHMENT ACKNOWLEDGED

On April 15, 2009, RCC Minnesota, Inc., (RCC) filed a Motion for Acknowledgement of Relinquishment of Eligible Telecommunications Carrier (ETC) Designation and Eligible Telecommunications Provider (ETP) Designation in the State of Oregon. RCC requests we grant the motion by April 30, 2009, and approve the relinquishment effective July 1, 2009.

On April 24, 2009, the Staff of the Public Utility Commission of Oregon (Staff) filed a response supporting RCC's request to relinquish its ETC and ETP designations in Oregon. Staff also supports the request for issuance of an order by April 30, 2009, to allow sufficient time for RCC customers currently participating in the low-income programs to switch to another provider before RCC's designation ends on June 30, 2009.

DISCUSSION

The relinquishment of ETC status is governed by 47 C.F.R. §54.205. That rule first requires a carrier seeking to relinquish ETC status to provide advance notice to the state commission. The rule then imposes two requirements on the state commission. The state commission (1) shall permit an ETC to relinquish its designation in any area served by more than one ETC; and (2) prior to permitting an ETC to relinquish its status, require the remaining ETCs to ensure that all customers served by the relinquishing carrier will continue to be served.

RCC's request for relinquishment meets these requirements. First, RCC has provided advance notice of its intent to relinquish its ETC status. Second, the area in which

RCC seeks to relinquish its designation is served by more than one ETC. As Staff notes, RCC's designated service area in Oregon is served by incumbent local exchange carriers (ILECs) that have been designated as ETCs. Finally, the actions taken by RCC are sufficient to ensure that its customers will have several choices for continuation of service. They may continue their current wireless service, as RCC is not ceasing operations and will soon be integrated with Verizon Wireless. They may also chose to obtain service from the ILEC serving their local exchange, or possibly by other carriers, including other wireless ETCs, that serve portions of RCC's area.

There are no specific rules governing the relinquishment of ETP status. Nonetheless, Staff is concerned that RCC's current low-income customers be given sufficient time and information to switch to an alternative Lifeline/Oregon Telecommunications Assistance Program (OTAP) provider. Staff believes RCC's proposed 60-day notice period is sufficient for this purpose.

FINDINGS OF FACT

RCC is an Oregon certified competitive telecommunications service provider and designated ETC.

On April 15, 2009, RCC filed notice to relinquish both its federal ETC status in Oregon and its Oregon ETP status to participate in OTAP.

RCC's entire designated territory is served by ILECs certified as ETCs. Portions of RCC's territory are served by other wireless carriers, some of whom are certified as ETCs.

60-day notice is sufficient for RCC's current low-income customers to be able to switch to an alternative Lifeline/OTAP provider.

CONCLUSIONS OF LAW

RCC has provided advance notice of its intent to relinquish its ETC status as required by 47 C.F.R. §54.205.


The area in which RCC seeks to relinquish its designation is served by more than one ETC.

RCC customers will be able to continue service by other ETCs, and, if necessary, have sufficient time to switch to another Lifeline/OTAP provider.


ORDER

IT IS ORDERED that the Motion for Acknowledgement of Relinquishment of Eligible Telecommunications Carrier Designation and Eligible Telecommunications Provider Designation in the State of Oregon, filed by RCC Minnesota, Inc, is acknowledged, effective July 1, 2009.

Made, entered, and effective APR 28 2009.



Lee Beyer *JB*
Chairman



John Savage
Commissioner



Ray Baum
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.